



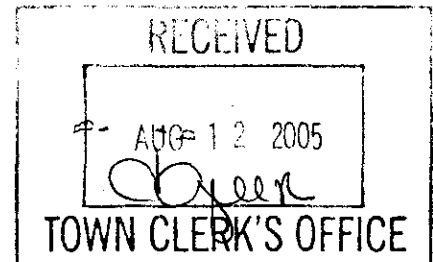
DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
ALBANY FIELD OFFICE  
1 BOND STREET  
TROY, NEW YORK 12180

cc: P/Board

REPLY TO  
ATTENTION OF:

Regulatory Branch

AUG 10 2005



SUBJECT: Permit Application Number 2004-00914-YS  
by Shadowfax Run Development, LP

David Griggs  
ERS Consultants, Inc.  
P.O. Box 214  
Bellvale, New York 10912-0214

Dear Mr. Griggs:

On March 16, 2004, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for a 69.5 acre site. This request was made by ERS Consultants, Inc., as consultant for Shadowfax Run Development, LP. The site is located along Jackson Avenue in the Town of New Windsor, Orange County, New York.

In the letter received on March 16, 2004, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on August 24, 2004, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On July 5, 2005, this office received the modified delineation.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology according to criteria established in the 1987 "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1 that are either adjacent to or part of a tributary system; the presence of a defined stream channel, which is part of a tributary system to the Hudson River; and the fact that the location includes property below the ordinary high water mark of a water body as determined by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawing entitled "ACOE Wetlands Limits, Shadowfax Run Development, LP", prepared by MJS Engineering, PC, dated December 2, 2003, and last revised June 16, 2005. This drawing indicates that a total of 19.25 acres of waters of the United States are present on the project site, including 467 linear feet of perennial stream channel. These waters are part of a tributary system to Beaver Brook, and are considered to be waters of the United States.

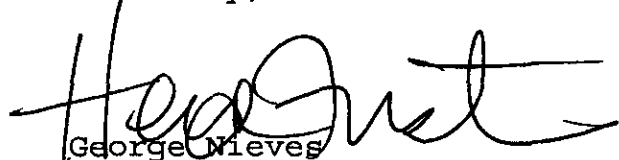
This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date. Enclosed is a Notification of Administrative Appeal Options which provides information on your acceptance of this approved jurisdictional determination.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

If any questions should arise concerning this matter, please contact Andrew C. Dangler, of my staff, at (518) 270-0588.

Sincerely,



George Nieves  
Chief, Western Permits Section

Enclosures

cf: NYSDEC - Region 3  
Town of New Windsor  
Shadowfax Run Development, LP